

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

MASSACHUSETTS DEVELOPMENT )  
FINANCE AGENCY )  
Plaintiff, )

v. )

ADP MARSHALL, INC., a FLUOR )  
DANIEL COMPANY, and FIREMAN'S )  
FUND INSURANCE COMPANY )  
Defendants. )

ADP MARSHALL, INC. )  
Plaintiff-in-Counterclaim, )

v. )

MASSACHUSETTS DEVELOPMENT )  
FINANCE AGENCY )  
Defendant-in-Counterclaim. )

ADP MARSHALL, INC. )  
Third Party Plaintiff, )

v. )

ALLIED CONSULTING ENGINEERING )  
SERVICES, INC., ANDOVER CONTROLS) )  
CORPORATION, R&R WINDOW )  
CONTRACTORS, INC., DELTA )  
KEYSPAN, INC. n/k/a DELTA )  
KEYSPAN, LLC, MADDISON )  
ASSOCIATES, INC., UNITED STATES )  
FIDELITY AND GUARANTY )  
COMPANY, FIDELITY AND DEPOSIT )  
COMPANY OF MARYLAND, )  
NATIONAL GRANGE MUTUAL, )  
INSURANCE COMPANY, TRAVELERS )  
CASUALTY AND SURETY COMPANY )

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OF AMERICA, AMERICAN HOME )  
ASSURANCE COMPANY, )  
HARTFORD ROOFING COMPANY, INC. )  
and SPAGNOLO/GISNESS & )  
ASSOCIATES, INC. )  
Third Party Defendants. )  
\_\_\_\_\_ )

**ADP MARSHALL, INC.'S MOTION FOR SUMMARY JUDGMENT ON ITS THIRD  
PARTY COMPLAINT AGAINST SPAGNOLO/GISNESS & ASSOCIATES, INC.**

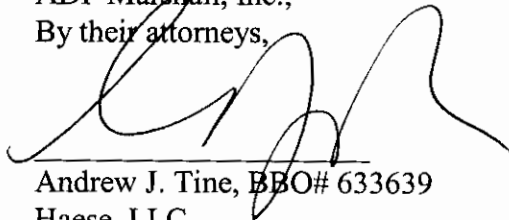
Pursuant to F.R.C.P. 56, ADP Marshall, Inc. ("ADPM") hereby moves this Honorable Court for summary judgment in its favor on Counts XVIII and XIX of its Third Party Complaint against Spagnolo/Gisness & Associates, Inc.

In support hereof, ADPM submits a Memorandum of Law and Affidavit of Tom Hughes.

Wherefore, ADP Marshall, Inc. requests summary judgment in its favor on Counts XVIII and XIX of the Third Party Complaint.

Submitted this 4<sup>th</sup> day of May, 2005.

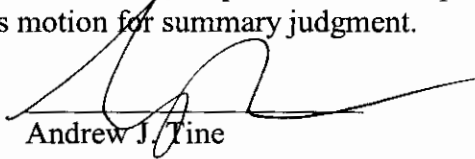
ADP Marshall, Inc.,  
By their attorneys,



Andrew J. Tine, BBO# 633639  
Haese, LLC  
30 Federal Street  
Boston, MA 02110  
617-428-0266

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

I, Andrew J. Tine, attorney for ADP Marshall, Inc., certify that I have conferred with Warren Hutchison, Esq. and have attempted in good faith to resolve or narrow the issues set forth in this motion for summary judgment.



Andrew J. Tine